



**CAPEHART  
SCATCHARD**

ATTORNEYS AT LAW

**FILED**

JUN 27 2007

John K. Fiorilla  
856 914 2054  
jfiorilla@capehart.com

SURFACE  
TRANSPORTATION BOARD  
June 25, 2007



Via United Parcel Service, Next Day Air

Mr. Vernon A. Williams  
Office of the Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

Re: J.P. Rail Inc, d/b/a Southern Railroad Company of N.J.  
Verified Notice of Exemption - Bensalem, PA  
Finance Docket No. FD-35053  
Our File No. 8942-20493

ENTERED  
Office of Proceedings

JUN 27 2007

Part of  
Public Record

Dear Mr. Williams:

This firm represents J.P. Rail, Inc, d/b/a Southern Railroad Company of New Jersey (SRNJ), a Class III carrier which is headquartered in Philadelphia, Pennsylvania and which applies to operate trackage in Bensalem, Pennsylvania pursuant to the enclosed Verified Notice of Exemption.

Enclosed please find for filing an original and twelve copies of the Verified Notice of Exemption.

Also enclosed is a disc with a copy of the Application in Word Perfect format.

Also enclosed are two additional copies to be stamped filed and returned to me in the self-addressed stamped envelope enclosed. The filing fee of \$1,500.00 is enclosed herewith.

Your prompt attention to this matter is kindly appreciated.

Sincerely,  
CAPEHART & SCATCHARD, P.A.

John K. Fiorilla

**FEE RECEIVED**

JUN 27 2007

SURFACE  
TRANSPORTATION BOARD

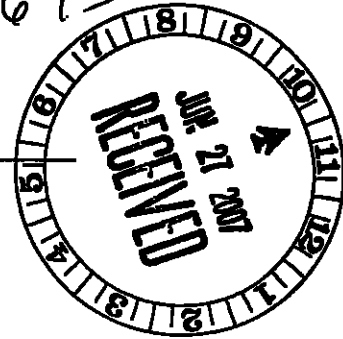
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Enclosures

cc: Mr. Joseph F. Petaccio, Jr. (w/enc)  
819722

Before the  
SURFACE TRANSPORTATION BOARD

219643



Finance Docket No:

FD-35053

In the Matter of

J.P. RAIL, INC. d/b/a SOUTHERN RAILROAD COMPANY OF NEW JERSEY

VERIFIED NOTICE OF EXEMPTION

NOTICE OF LEASE AND OPERATION OF RAIL LINE

Submitted By:

John K. Fiorilla  
Capehart & Scatchard, P.A.  
8000 Midlantic Drive Suite 300S  
Mount Laurel, N.J. 08054  
(856) 914-2054  
Counsel for Petitioner

**FEE RECEIVED**  
JUN 27 2007  
SURFACE  
TRANSPORTATION BOARD

Dated: June 22, 2007

ENTERED  
Office of Proceedings  
JUN 27 2007  
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Public Record

**FILED**  
JUN 27 2007  
SURFACE  
TRANSPORTATION BOARD

**Before the  
SURFACE TRANSPORTATION BOARD**

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**Finance Docket No:**

**FD 35053**

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**In the Matter  
of  
J.P. RAIL, INC. d/b/a SOUTHERN RAILROAD COMPANY OF NEW JERSEY**

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**VERIFIED NOTICE OF EXEMPTION**

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**J.P. Rail, Inc, d/b/a Southern Railroad Company of New Jersey (SRNJ) a Class III railroad company, pursuant to 49 C.F.R. Part 1150.41-44, files this Verified Notice of Exemption from the prior approval requirements of 49 U.S.C. § 10902, to permit SRNJ to lease and operate over approximately one mile of track in the Township of Bensalem, County of Bucks, Commonwealth of Pennsylvania ("The Line"). The Line is owned by Alternative Energy**

Technologies SR, LLC of Omaha, Nebraska a non-carrier (AET) and will be leased to SRNJ.

In Support hereof, SRNJ, shows as follows:

Name and address of the applicant

J.P. Rail, Inc.  
2930 Richmond Street  
Philadelphia, PA 19134

Applicant's Representative: 49 CFR 1150.43 (b)

John K. Fiorilla  
Capehart & Scatchard P.A.  
8000 Midlantic Drive Suite 300S  
Mount Laurel, N.J. 08054  
856-914-2054  
[jfiorilla@capehart.com](mailto:jfiorilla@capehart.com)

Statement of Agreement 49 CFR 1150.43(c)

SRNJ has reached agreement with AET to lease and to operate a line of railroad and related properties in the Township of Bensalem, County Bucks, PA. SRNJ will maintain the line and provide freight service to Kennedy Track Construction Company, Tilcon Stone, Michael Spano & Sons and other shippers who may locate

upon the line. The operating agreement and property lease is between SRNJ and AET for property located at 2252 State Street #B, Bensalem Township, Bucks County, Pennsylvania. This lease is for approximately 20 acres of land including the improvements now or to be constructed in the future upon said property all of which is located along "The Line". Operating rights are sought for this property. SRNJ is a Class III Carrier which currently operates track it owns and it leases in Camden, Atlantic and Salem Counties New Jersey.

Operator of the Property

49 CFR 1150.43 (d)

The petitioner would become operator of the property as soon as this application is approved by the Board. The lease and operating agreement described above has been entered into by the parties and is subject to the approval of petitioners right to operate the line by the Board. SRNJ will hold itself out to provide common carrier rail freight service over "The Line" described above interchanging with Consolidated Rail Corporation (Conrail) in Bensalem, Pennsylvania. SRNJ has advised Conrail of its intention to interchange with it and is arranging to meet with Conrail to make arrangements for the interchange. SRNJ would expect that an approval by the Board would be subject to an interchange agreement being entered into between SRNJ and Conrail.

Brief Summary of Transaction

49 CFR 1150.43 (e)

SRNJ is in the process of developing a transportation terminal transloading facility and operating freight common carrier service for shippers now located or who will locate on "The Line". SRNJ expects that it will handle the movement of stone, building materials, railcars for storage, repair and cleaning, telephone polls, construction and demolition debris and other general freight. The operation of "the Line" and appurtenant transportation facilities will enable facility tenants and other shippers to receive inbound and originate outbound freight shipments from and to points throughout the United States and Canada via Conrail who will interchange traffic with SRNJ on behalf of both Norfolk Southern Railroad Company (NS) and CSX Transportation Company (CSX). SRNJ has discussed the

freight to be moved with representatives of both CSX and NS. SRNJ will maintain and operate "the Line" provide switching and related rail services to facility tenants that utilize the terminal facilities, and effect the interchange and delivery of inbound and the origination and interchange of outbound line-haul rail shipments with NS and CSX via Conrail.

Map

49 CFR 1150.43 (f)

A map of the line to be operated is attached as Exhibit A

Certificate of Carrier Classification

Pursuant to 49 CFR 1150.43(g), SRNJ certifies that its projected revenues will not exceed that would qualify it as a Class III carrier, and that this transaction will not result in the creation of a Class I or Class II carrier. SRNJ's projected annual operating revenues will not exceed \$5,000,000.00.

Labor Protective Conditions

Pursuant to 49 U.S.C. § 10902, labor protective conditions do not apply and will not be imposed.

Caption Summary

49 CFR 1150.44

A caption Summary in the prescribed form is attached as Exhibit B to this Notice.

Environmental and Historic Preservation Matters

Pursuant to 49 CFR 1105.6 (c)(2), the proposed transaction is exempt from environmental review under 49 CFR 1105.6 (c)(2)(i), because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 49 CFR 1105.7(e) (4) or (5). However SRNJ has obtained an environmental impact statement regarding the leased property and would file it with the Board upon request.

In addition, this transaction is exempt from historic review under 49 CFR § 1105.8 (b) in that ARC has no plans to alter or to dispose of any properties subject to STB jurisdiction that are fifty years old or older, the transaction does not require an historic report.

Respectfully Submitted,

June 22, 2007

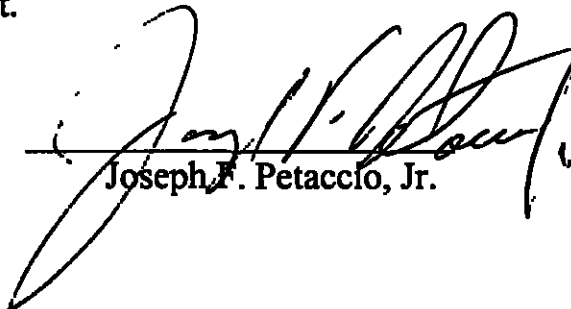


John K. Fiorilla, Esq.  
Capehart & Scatchard, PA  
8000 Midlantic Drive Suite 300S  
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(856) 914-2054  
jfiorilla@capehart.com  
**Attorney for Petitioner**  
**J.P. Rail, Inc. d/b/a**  
**Southern Railroad Company of New**  
**Jersey**

## VERIFICATION

I, Joseph F. Petaccio, Jr. Chief Operating Officer of the petitioner hereby certifies that I have read the foregoing Notice of Exemption and am knowledgeable of facts stated therein, and that the same are true as stated to the best of my knowledge. I am aware that if any of the foregoing statements are willfully false, that I am subject to punishment.

June 22, 2007



Joseph F. Petaccio, Jr.



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## **EXHIBIT A**



SLOPES, SHALLOW BEDROCK (Ufub). SOILS INFORMATION  
OBTAINED FROM WEBSITE: [www.soilmap.psu.edu](http://www.soilmap.psu.edu), SOIL DATA  
SOURCE: NATURAL RESOURCES CONSERVATION SERVICE  
SOIL DATA MART.

3. SITE ADDRESS: 2522 STATE ROAD BENSALEM, PA 19020  
TAX PARCEL #: 02-85-20. PROPERTY OWNER IS WAYA  
VENTURES, LP.
4. PURSUANT TO 25 PA CODE 279.202(1), THE TRANSFER  
FACILITY IS NOT LOCATED IN THE 100-YEAR FLOODPLAIN AS  
MAPPED BY THE FEDERAL EMERGENCY MANAGEMENT  
AGENCY.
5. ALL WASTE UNLOADING, SEGREGATING AND LOADING WILL  
BE CONDUCTED WITHIN AN ENCLOSED BUILDING THAT IS  
LOCATED BEYOND THE 100-FOOT WETLAND SETBACK IN 25  
PA CODE 279.202(2). NO EXCEPTIONAL VALUE WETLANDS  
ARE LOCATED WITHIN 300 FEET OF THE TRANSFER FACILITY.
6. PURSUANT TO 25 PA CODE 279.202(3), NO OCCUPIED  
DWELLINGS ARE LOCATED WITHIN 300 FEET OF THE  
TRANSFER FACILITY.
7. PURSUANT TO 25 PA CODE 279.202(4), THE TRANSFER  
FACILITY IS NOT LOCATED WITHIN 100 FEET OF A PERENNIAL  
STREAM.
8. PURSUANT TO 25 PA CODE 279.202(6), THE TRANSFER  
FACILITY IS NOT LOCATED WITHIN 300 YARDS OF A BUILDING  
WHICH IS OWNED BY A SCHOOL DISTRICT OR SCHOOL AND  
USED FOR INSTRUCTIONAL PURPOSES; A PARK; OR A  
PLAYGROUND.
9. NO PUBLIC OR PRIVATE WATER SUPPLIES ARE LOCATED  
WITHIN 1/4 MILE OF THE TRANSFER FACILITY AS RECORDED  
BY PAGWIS.
10. ALL WASTE UNLOADING, SEGREGATION AND LOADING  
OPERATIONS WILL BE CONDUCTED WITHIN AN ENCLOSED  
BUILDING. PURSUANT TO 25 PA CODE 279.202(5), WASTE WILL  
BE SEGREGATED FOR MATERIAL RECYCLING, BUT THIS  
FACILITY WILL NOT CONDUCT WASTE PROCESSING  
OPERATIONS.
11. ONLY THE PORTIONS OF THE NEW PROPOSED BUILDING  
WITHIN THE PROPOSED PERMIT AREA WILL BE USED FOR  
TRANSFER STATION RELATED ACTIVITIES. NO TRANSFER  
STATION RELATED ACTIVITIES WILL BE ALLOWED IN THOSE  
PORTIONS OF THE NEW BUILDING OUTSIDE OF THE  
PROPOSED PERMIT AREA (REFER TO SHEETS 30 AND 31).

SHEET

CLIENT

**WALTER B. SATTERTHWAITTE  
ASSOCIATES, INC.**

BRANCH OFFICE

2404 WATSON BOULEVARD  
ENDICOTT, NY 13760  
PHONE: 607.754.5770  
FAX: 607.754.3350

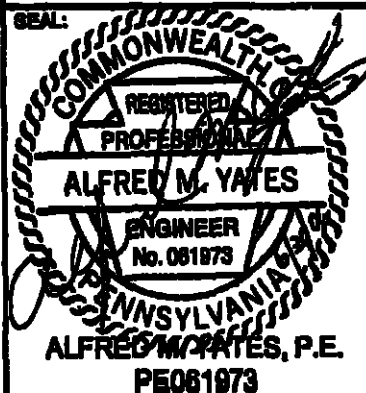
MAIN OFFICE

720 OLD FERN HILL ROAD  
WEST CHESTER, PA 19380  
PHONE: 610.692.5770  
FAX: 610.692.8650

[www.wbsatterthwaite.com](http://www.wbsatterthwaite.com)



SEAL:



PROJECT NO.:

**04-941-00**

FILE NO.:

**040941100**

DATE:

**5/20/2005**

SHEET NO.:

**010**

## **EXHIBIT B**

**Exhibit B**  
**Before the**  
**SURFACE TRANSPORTATION BOARD**

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**Finance Docket No:**

**FD- 35053**

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**In the Matter**  
**Of**  
**J.P. RAIL, INC. d/b/a SOUTHERN RAILROAD COMPANY OF NEW JERSEY**

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**VERIFIED NOTICE OF EXEMPTION**

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**NOTICE OF OPERATION OF RAIL LINE**  
**INFORMATION REQUIRED BY 49 C.F.R, 1150.43**

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**J.P. Rail, Inc. d/b/a Southern Railroad Company of New Jersey is a Pennsylvania Corporation and a Class III carrier which has filed a verified notice of exemption under 49 C.F.R. § 1150.41 to operate as a common carrier one mile of railroad and**

appurtenant property owned by Alternative Energy Technologies SR LLC a non-Carrier in Bensalem Township, County of Bucks, Commonwealth of Pennsylvania.

Any comments must be filed with the Surface Transportation Board and served on John K. Fiorilla, Capehart & Scatchard, P.A., 8000 Midlantic Drive Suite 300S, Mount Laurel, N.J. 08054. Mr. Fiorilla's telephone is (856)-914-2054.

This notice is filed under 49 C.F.R. 1150.44. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.